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AUG 10 1989

Before the
Federal Communications Commission
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Advanced Television Systems and Their) MM Docket No. 87-268
Impact on the Existing Broadcast Service)
)
Review of Technical and Operational)
Requirements: Part 73-E, Television)
Broadcast Stations)
)
Reevaluation of the UHF Television)
Channel and Distance Separation)
Requirements of Part 73 of the)
Commission's Rules)
_____)

SUPPLEMENTAL COMMENTS OF THE
MOBILE COMMUNICATIONS DIVISION
OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION

Pursuant to Section 1.45(c) of the Commission's Rules, the Mobile Communications Division of the Telecommunications Industry Association (hereinafter TIA)¹ respectfully requests the Commission to accept these supplemental comments. The purpose of this instant filing is to correct and clarify certain assertions made by the Association of Maximum Service Telecasters, Inc. (MST) in its April 26, 1989 Supplemental Comments in the above captioned proceeding.

¹The Telecommunications Industry Association (TIA) is a full service national trade organization with nearly 600 members which provide materials, products, systems, distribution services and professional services to the telecommunications industry in the United States and countries around the world. TIA represents the telecommunications industry in association with EIA.

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THE MST ALLEGATIONS THAT TIA DID NOT PARTICIPATE IN WORKING PARTY 3 DELIBERATIONS, AND THAT IT DID NOT PLACE ANY INFORMATION INTO THIS DOCKET PRIOR TO ITS REPLY COMMENTS, ARE MISLEADING OR INCORRECT.

MST indicated on page 2 of its supplemental comments:

"The TIA has not participated in the Working Party deliberations."

MST is misleading in stating that the TIA has not participated in the Working Party deliberations. While not participating by direct involvement of its own staff, as footnoted by MST, one of TIA's members has participated. This member has been directly and actively involved in the Advisory Committee and specifically within Working Party 3. The information generated by TIA, as reflected in its Comments and Reply Comments, has been described fully to the Working Party by that member. The statement of MST that TIA has not contributed to the efforts of the Working Party is therefore misleading, and is directly contradicted. It is very typical for one or more member companies of organizations such as TIA to provide and support information and positions developed by that organization. In good faith, the material generated (and filed with the FCC) by TIA has been submitted to the Working Party, and whether provided officially by TIA staff or through one of its members, it is hoped that this material will be usefully applied to the problem of spectrally efficient ATV.

MST goes on to say on page 2:

"Nor, prior to the Reply Comments in the Tentative Decision, has the TIA seen fit to place any information in this docket which would advance the efforts of the Advisory Committee. Rather, at the reply comment stage, apparently in hopes that other parties would be in some fashion precluded from even commenting upon its efforts, the TIA has provided the Commission with its own independent

UHF spectrum study. This study apparently in preparation for more than a year, was conducted without any notice to or input from the Advisory Committee. Its release at this juncture, with its claims of abundant spectrum for land mobile at no sacrifice whatsoever to broadcasting, is a calculated effort to subvert and undermine the Advisory Committee's exhaustive efforts". (emphasis added)

These statements are simply without foundation or merit. TIA filed on November 30, 1988 in Comments, the essence of the material contained in its Reply Comments. The Reply Comments filing was not the first time TIA placed information into this docket. It simply amplified and "fine-tuned" the material contained in the Comments. (This procedure is often used when a complete task cannot be finished by a certain deadline. Working Party 3 itself has found it necessary to provide "preliminary" results in some of its various reports, which were ultimately amplified, corrected or fine-tuned).

Furthermore, numerous verbal briefings were provided by one of TIA's member companies to Working Party 3, specifically pointing out that some of the spectrum related conclusions contained in its (WP-3) Draft Interim Report were inconsistent with the results developed by TIA as reported in its Comments and Reply Comments. Clearly, the MST statement that "This Study --- was conducted without any notice to or input from the Advisory Committee" is, as just briefly discussed, incorrect.

Moreover, an MST representative and others at a Working Party 3 meeting acted to thwart discussion of the TIA Reply Comments. Specifically, at the March 23, 1989 meeting, they argued vigorously and at great length against permitting a paper number, (used for identification purposes and routinely done prior to discussion of a paper) to be assigned to the

TIA material for reasons that were specious. (The chair ultimately assigned a paper number, and the TIA material is now under discussion.)

The above action on the part of MST representatives is certainly not consistent with its admonition to TIA contained on page 10 of its Supplemental Comments, wherein it states:

"If TIA is genuinely interested in studying this issue, it would do so more productively by working in cooperation with the Advisory Committee,---"

It is the goal and desire of TIA that, all parties see fit to cooperate in an objective study of the material contained in the TIA Comments and Reply Comments.

THE MST ALLEGATION THAT THE TIA STUDY IS FLAWED IS WITHOUT MERIT

MST alleges that the TIA study is grossly flawed because of certain deficiencies such as an incomplete data base and an insufficiently large study area.

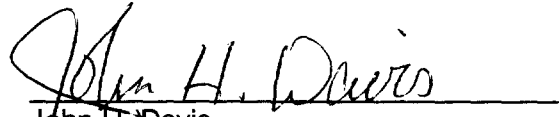
TIA's initial work, being preliminary in nature, was necessarily limited. This was recognized at the time, but was considered likely to have relatively minor impact on the study results. (It should be noted that the studies of Working Group 3 have likewise suffered from incompleteness, and to this day are based on the assumption of ignoring the taboos, an assumption which has not yet been shown to be valid.) It is necessary and proper, however, for both working Group 3 and TIA to do its work on an iterative basis, given the complexity of the task, the reality of limited resources and substantial lack of hard data. A more complete and accurate answer can almost always be generated, given more time and data.

Perhaps of greater importance, however, is the fact the MST knew, or should have known that the so-called "deficiencies" of the TIA study were substantially addressed prior to its filing of supplemental comments on April 26, 1989. Specialist Group 6 of Working Party 3 met on April 25, 1989 to discuss, among other things, the TIA Reply Comments. An MST representative attended the meeting. The TIA study deficiencies alleged in the MST Supplemental Comments were addressed in detail in papers presented during that meeting.² Furthermore, the impact of these corrections on the study results was either zero or minor. Thus MST's allegation of flaws in the TIA Study is both ill-timed and without merit.

The preliminary work of TIA was and still is a solid avenue to explore a solution to the spectrum aspect of advanced television. It remains the position of TIA that further objective study of this work can materially assist the FCC in its objective of accommodating advanced television.

²There is still disagreement on how to treat an important policy issue of Canadian allotments.

Respectfully submitted,

A handwritten signature in cursive script, reading "John H. Davis", written over a horizontal line.

John H. Davis
Chairman
TIA Mobile Communications Division

A handwritten signature in cursive script, reading "Eric J. Schimmel", written over a horizontal line.

Eric J. Schimmel
Vice President
Telecommunications Industry Association

Date: August 10, 1989